



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

DATE: October 29, 2021

TO: Circuit, District, Family and Municipal Court Judges and Staff

FROM: Court Liaisons David Handsor and Melissa Noll
Michigan Department of State

SUBJECT: Criminal Justice Reform (Decriminalization Package)

As you are aware, effective Oct. 1, 2021, changes in state law (Public Acts 376 - 381 and 387 of 2020), lifted driver's license suspensions for certain violations of the Michigan Vehicle Code. On October 22, 2021, additional FACs/FCJs were added to the list of qualifying violations, and the Michigan Department of State (MDOS) will no longer accept them. Below is the list of additional FACs/FCJs that were included.

If a court tries to submit a new or resubmit a previous FAC or FCJ that is no longer supported, an error message will display showing either "Invalid FAC" or "Invalid FCJ" accordingly. Additionally, on October 22, MDOS closed out any of the open FACs/FCJs from the list below that were sent on or after September 17, 2021.

MDOS will close out any open FACs/FCJs in the list below as of Sunday November 14; therefore, any FACs/FCJs submitted prior to September 17, which is on this list will no longer be terminated as of November 15. A report of terminated FACs/FCJs is still in progress. Once finished, the report will be sent to you through your FTS mailboxes.

"N" in the FAC or FCJ field indicates the FAC/FCJ was previously accepted prior to the legislative changes and, as of October 1, 2021, are no longer eligible for FAC or FCJ suspensions.

Offense Code	Description	FAC	FCJ	MCL Section
1310	Preliminary Breath Test Refusal in CMV	N	N	257.625a
1315	Refusal of Preliminary Oral Fluid Analysis in CMV		N	257.625r(9)

Offense Code	Description	FAC	FCJ	MCL Section
1320	Preliminary Breath Test Refusal in Non-CMV		N	257.625a(2)
1325	Refusal of Preliminary Oral Fluid Analysis in Non-CMV		N	257.625r(5)
1330	Fraud ID in Purchase	N	N	436.1703(2)
1341	Allowed A Suspended/Revoked Person to Operate	N	N	257.904(2)
1350	Person Under 21 Refused Preliminary Breath Test		N	257.625a(2)
1355	Sold/Furnished Alcoholic Liquor to a Person Under 21	N	N	436.1701
1450	Felonious Driving	N	N	257.626c
1630	Failed to Stop or Identify after P.D. Accident	N	N	257.618
1640	Gave False Info – Property Damage Accident	N	N	257.618
1650	Failed to Report Accident	N	N	257.621
1660	Failed to Provide Information or Render Aid after Accident	N	N	257.619
1805	Failure to Yield to Stationary Authorized Emergency Responder	N	N	257.653a(2)
1806	Failure to Use Due Caution for Stationary Authorized Emergency Responder	N	N	257.653a(2)
1809	Due Care and Caution for Waste-Utility-Road Maintenance Vehicles	N	N	257.653b
1810	Careless Driving		N	257.626b
1815	Occupant Under the Age of 18 in Open Bed of Pick-up Truck		N	257.682b
1820	Drag Racing	N	N	257.626a
2000	Speed 999/99		N	257.627(3) 257.627(4) 257.627(5) 257.627(6) 257.628 257.629 257.631
2100	Limited Access Speed 999/99		N	257.628
2105	Speeding in Construction Zones		N	257.627(6)
2200	Energy Speed		N	257.629b(2)
2300	Violation of Basic Speed Law		N	257.627(1)
2310	Failed To Stop Within Assured Clear Distance		N	257.627(1)

Offense Code	Description	FAC	FCJ	MCL Section
2320	Drove Without Due Care and/or Caution		N	257.627(1)
2330	Failed to Drive Minimum Speed		N	257.628(8)
2400	Disobeyed Stop Sign		N	257.671
2410	Failed to Stop for School Bus		N	257.682
2420	Disobeyed School Crossing Guard	N	N	257.613d
2430	Improper Passing		N	257.635 257.636 257.637 257.638 257.639 257.640
2440	Disobeyed Traffic Signal		N	257.612
2450	Failed to Stop at Railroad Crossing		N	257.667 257.667(a) 257.668 257.669
2500	Disobeyed Traffic Control Device		N	257.611
2510	Disobeyed Police Officer Directing Traffic Flow	N	N	257.602
2520	Improper Crossing - Divided Hwy		N	257.644
2600	Failed to Yield		N	257.649
2610	Failed to Yield to Emergency Vehicle		N	257.653
2620	Failed to Yield to Pedestrian		N	257.612
2630	Failed to Yield to Handicapped/Blind	N	N	257.612
2640	Failed to Stop Leaving Alley or Private Drive		N	257.652
2650	Failed to Signal and/or Observe		N	257.648
2660	Interfered with Traffic		N	257.649
2670	Impeded Traffic		N	257.676b
2675	Improper Operation – Automated Vehicle		N	257.665
2700	Improper Operation - School Bus		N	257.1873
2710	Improper Operation - Emergency Vehicle	N	N	257.603
2720	Improper Operation - Emergency Equipment	N	N	257.682c(1)
2730	Interfered with Fire Apparatus		N	257.679
2740	Unauthorized or Improper Use of Lights		N	257.698 257.700 257.684 257.684 257.685 257.686-689 257.686

Offense Code	Description	FAC	FCJ	MCL Section
2800	Followed Too Closely		N	257.643
2810	Prohibited Turn		N	257.647
2820	Improper Turn		N	257.647
2830	Drove Wrong Way on One-Way Street		N	257.641
2840	Improper Lane Use		N	257.642(1)
2845	Violation of High-Occupancy Vehicle/Lane (HOV)		N	257.642(2)
2850	Drove Left of Center		N	257.634 257.634(3) 257.639 257.660(1) 257.660(4)
2860	Illegal Entrance/Exit - X-Way		N	257.645(1)
2870	Obstructed Vision or Control		N	257.659 257.677 257.708b 257.709
2900	Drove Moped on Sidewalk or Limited Access Hwy		N	257.660(6)
2910	Unlawful Rider on Motorcycle/Moped		N	257.658(2)(3)
2920	Motorcycle/Moped over Two Abreast		N	257.660(2)
3000	Failed to Display a Valid License	N	N	257.311
3005	Failed to Display Valid Graduated License Status		N	257.310e
3010	Drove While License Not Valid or Improper License	N	N	257.301
3011	Drove While Unlicensed or Without Cycle Endorsement	N	N	257.904a
3020	Drove w/o Proper License/Endorsement/Vehicle Group Designator	N	N	257.301 257.312a 257.312e
3025	Driving a CMV Without Obtaining A CMV License	N	N	257.312e
3026	Driving a CMV Without a CMV License in Driver's Possession	N	N	257.312e
3027	Driving a CMV Without Proper Endorsement or Designator	N	N	257.312e
3030	Drove w/o Corrective Lens	N	N	257.312
3035	Violation of Graduated License Permit		N	257.310e(11)

Offense Code	Description	FAC	FCJ	MCL Section
3040	Violation of Instruction Permit	N	N	257.306
3050	Violation of License Restrictions	N	N	257.312
3060	Violation of Restricted License	N	N	257.312
3070	Violation of Financial Responsibility Law			257.905
3108	No Insurance Under the Insurance Code	N	N	500.3101
3110	Fraudulent/ False Insurance Information (Felony)	N	N	257.329
3120	Fraudulent/ False Insurance Information	N	N	257.328
3200	Drove While License Susp/Rev/Denied			257.904
3205	Driving CMV While Commercial Driver License is Suspended, Revoked, Denied or Cancelled	N	N	257.904
3210	Drove while License Suspended by FAC/FCJ	N	N	257.904
3220	Drove while License Expired	N	N	257.301
3230	Drove CMV while Disqualified	N	N	257.904
3255	Moving Violation Resulting in an At-fault Accident		N	257.320a
3280	Allowed Person to Drive in Violation of Vehicle Code	N	N	257.326
3290	Violation of Safety Belt Law		N	257.710e
3292	GDL 1 or 2 Driver Operating While Using Cellular Telephone		N	257.602c(1)
3295	Operating While Reading, Typing or Sending a Text Message		N	257.602b
3300	Violation of Child Restraint Law		N	257.710d
3400	Equip Viol - Defective/ Missing		N	257.658 257.683 257.685 257.686 257.689 257.687 257.688 257.693 257.697a 257.705 257.706 257.707 257.708 257.708a 257.708b(2)(d)

Offense Code	Description	FAC	FCJ	MCL Section
				257.709 257.710 257.710c 257.721 257.723
3450	Failure to Redeem Abandoned Vehicle		N	257.252a
3455	Failure to Show Proof of Sale		N	257.24
3500	Registration and/ or Plate Violation	N	N	257.215 257.223 257.225 257.233 257.243 257.255 257.256
3605	Display of Goods for Sale Within the Right-of-Way of Highway		N	257.676a(1)(3)
3610	Possession of Stolen License Plate	N	N	257.257
3620	Failed to Change Address		N	257.228
3700	Failed to Submit to Truck Weighing when Required	N	N	257.724
3710	Improper Load or Towing	N	N	257.718 257.720 257.721 257.724(4)(d)
3720	Overweight/ Over height/ Over width Vehicles/ Over length Vehicle	N	N	257.724(3)&(4) 257.719 257.716(4)(d) 257.717 257.719a 257.722 257.722(8)
9100	Ignition Interlock Device Violations	N	N	257.625L
9110	Ignition Interlock Device – Unauthorized Removal	N	N	257.322a
9120	Operating Without Ignition Interlock Device Properly Installed	N	N	257.625L
9130	Immobilization – violations	N	N	257.904e
9150	Obtaining Vehicle to Circumvent Immobilization	N	N	257.233(2)
9160	Transfer to Avoid Forfeiture	N	N	257.233

Offense Code	Description	FAC	FCJ	MCL Section
9170	Subject to Temporary Registration – Transfer to Person Not Subject to Use Tax	N	N	257.233(4)
9180	New Registration Applications by Holder of Assigned Plates	N	N	257.233(6)(7)
9190	Illegally Acquired Vehicle While Subject to Registration Denial	N	N	257.233(6)
9200	Drug Crime	N	N	333.7401 to 333.7461 333.17766a
9210	False Report or Threat of Bomb/Harmful Device (School)	N	N	750.411a(2) 750.327 750.328

Note – FAC/FCJs are no longer reportable to the department for licensing suspension unless the underlying violation itself is eligible for a mandatory action when abstracted as a conviction, except for violations listed in MCL 257.321a(2). The following six violations do not produce a mandatory sanction with the first offense, but a mandatory sanction is generated when a second conviction (within the same prior-counting group) posts. (See MCL 257.319(7)).

*1300 – Open Intoxicants in Vehicle

1306 – Open Intoxicants in Vehicle/Passenger

1307 – Person Under 21 Transport/Possess in Vehicle

1308 – Person Under 21 Transport/Possess in Vehicle/Passenger

3296 – Texting While Operating a CMV

3297 – Use of Handheld Mobile Telephone While Operating a CMV

**See below for more information.*

Therefore, these are not eligible to be reported as an FAC without one or more of the same conviction-type (or qualifying prior) existing on record. Likewise, they are not eligible to be reported as an FCJ without two or more of the same conviction-type (or qualifying priors) already on record. If an FAC/FCJ is submitted without the necessary qualifying conviction(s) existing, they will not post, and the following error messages will be returned accordingly: "INELIGIBLE FAC (PRIORS)" or "INELIGIBLE FCJ (PRIORS)"

Violations of 1300, 1306, 1307 and 1308 are all priors for each other with no time requirement between occurrences.

3296 and 3297 are CDL-serious violations. Below are all CDL-serious violations that count as priors for each other if they occur within 3 years.

- 1706
- 1725
- 1800
- 1806

- 1810
- 2000 (15+ over limit)
- 2100
- 2105
- 2800
- 2840
- 3010
- 3011
- 3020
- 3025
- 3026
- 3027
- 3220
- 3296
- 3297